

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 849
FINAL READING

Introduced by Business and Labor Committee:
Connealy, 16, Chairperson; Dierks, 40; Preister, 5;
Schimek, 27; Vrtiska, 1

Read first time February 21, 2001

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to claims against the state; to appropriate
2 funds for the payment of certain claims; to provide for
3 payment of the claims; to authorize certain write-offs as
4 prescribed; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. There are hereby appropriated the following
2 sums of money, or so much thereof as may be required, from the
3 General Fund or from other funds as indicated in the state
4 treasury, not otherwise appropriated, for the payment of claims
5 arising out of miscellaneous items of indebtedness owing by the
6 State of Nebraska.

7 2000-2001 MISCELLANEOUS CLAIMS

8 DESCRIPTION	DOLLARS
9 Claim No. 99-232, against the Department of Revenue,	
10 pay to <u>Village of Whitney</u> , c/o Frances Connell,	
11 P.O. Box 121, Whitney, NE 69367,	
12 out of the General Fund.	175.71
13 Claim No. 00-339, against the Office of the Attorney	
14 General, pay to <u>Kurt McBride</u> , 700 N. Washington,	
15 Lexington, NE 68850,	
16 out of the General Fund.	1,000.00
17 Claim No. 00-431, against the Office of the Attorney	
18 General, pay to <u>Keith County Attorney</u> ,	
19 c/o Deborah Gilg, P.O. Box 29, Ogallala, NE 69153,	
20 out of the General Fund.	3,500.00
21 Claim No. 00-437, against the Office of the Attorney	
22 General, pay to <u>John Freudenberg</u> , Box 490,	
23 Rushville, NE 69360,	
24 out of the General Fund.	1,095.00
25 Claim No. 00-439, against the Department of Health	
26 and Human Services, pay to <u>Teva Pharmaceuticals USA,</u>	
27 <u>Inc.</u> , c/o Maryellen Malack, P.O. Box 1090,	
28 North Wales, PA 19454,	

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1 out of the General Fund	5,599.53
2 out of the Department of Health and	
3 Human Services Cash Fund.	8,821.09
4 Claim No. 00-440, against the Office of the Attorney	
5 General, pay to <u>Lincoln County Attorney,</u>	
6 c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,	
7 North Platte, NE 69101,	
8 out of the General Fund.	1,500.00
9 Claim No. 00-475, against the Office of the Attorney	
10 General, pay to <u>Donna Daiss,</u> P.O. Box 71,	
11 Hastings, NE 68902,	
12 out of the General Fund.	221.40
13 Claim No. 00-628, against the Office of the Attorney	
14 General, pay to <u>Lincoln County Attorney,</u>	
15 c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,	
16 North Platte, NE 69101,	
17 out of the General Fund.	500.00
18 Claim No. 00-664, against the Office of the Attorney	
19 General, pay to <u>Lincoln County Attorney,</u>	
20 c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,	
21 North Platte, NE 69101,	
22 out of the General Fund.	500.00
23 Claim No. 00-674, against the Office of the Attorney	
24 General, pay to <u>Lincoln County Attorney,</u>	
25 c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,	
26 North Platte, NE 69101,	
27 out of the General Fund.	500.00
28 Claim No. 00-675, against the Military Department,	

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1	pay to <u>Roger Davis</u> , c/o James Place,	
2	2813 S. 87th Ave., Omaha, NE 68124,	
3	out of the General Fund.	19,387.08
4	Claim No. 00-683, against the Office of the Attorney	
5	General, pay to <u>David Wondra</u> , P.O. Box 110,	
6	Minden, NE 68959,	
7	out of the General Fund.	174.00
8	Claim No. 01-007, against the Office of the Attorney	
9	General, pay to <u>Donna Daiss</u> , P.O. Box 71,	
10	Hastings, NE 68902,	
11	out of the General Fund.	806.40
12	Claim No. 01-019, against the Office of the Attorney	
13	General, pay to <u>David Wondra</u> , P.O. Box 110,	
14	Minden, NE 68959,	
15	out of the General Fund.	195.00
16	Claim No. 01-020, against the Office of the Attorney	
17	General, pay to <u>David Wondra</u> , P.O. Box 110,	
18	Minden, NE 68959,	
19	out of the General Fund.	42.00
20	Claim No. 01-021, against the Office of the Attorney	
21	General, pay to <u>David Wondra</u> , P.O. Box 110,	
22	Minden, NE 68959,	
23	out of the General Fund.	282.00
24	Claim No. 01-055, against the Office of the Attorney	
25	General, pay to <u>Lincoln County Attorney</u> ,	
26	c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,	
27	North Platte, NE 69101,	
28	out of the General Fund.	500.00

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1	Claim No. 01-138, against the Office of the Attorney	
2	General, pay to <u>Lincoln County Attorney,</u>	
3	c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,	
4	North Platte, NE 69101,	
5	out of the General Fund.	3,500.00
6	Claim No. 01-179, against the Office of the Attorney	
7	General, pay to <u>Elizabeth Waterman,</u>	
8	700 N. Washington, Lexington, NE 68850,	
9	out of the General Fund.	500.00
10	Claim No. 01-193, against the Office of the Attorney	
11	General, pay to <u>Lincoln County Attorney,</u>	
12	c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,	
13	North Platte, NE 69101,	
14	out of the General Fund.	1,000.00
15	Claim No. 01-213, against the Office of the Attorney	
16	General, pay to <u>Jeffrey Goltz,</u> P.O. Box 569,	
17	Falls City, NE 68355,	
18	out of the General Fund.	469.00
19	Claim No. 01-219, against the Office of the Attorney	
20	General, pay to <u>Smith, King & Freudenberg,</u> c/o John	
21	R. Freudenberg, Box 490, Rushville, NE 69360,	
22	out of the General Fund.	682.50
23	Claim No. 01-220, against the Office of the Attorney	
24	General, pay to <u>Smith, King & Freudenberg,</u> c/o John	
25	R. Freudenberg, Box 490, Rushville, NE 69360,	
26	out of the General Fund.	299.70
27	Claim No. 01-221, against the Office of the Attorney	
28	General, pay to <u>Smith, King & Freudenberg,</u> c/o John	

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1	R. Freudenberg, Box 490, Rushville, NE 69360,	
2	out of the General Fund.	735.00
3	Claim No. 01-255, against the Office of the Attorney	
4	General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
5	Meyer, 301 N. Jeffers, Suite 101A,	
6	North Platte, NE 69101,	
7	out of the General Fund.	500.00
8	Claim No. 01-283, against the Office of the Attorney	
9	General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
10	Meyer, 301 N. Jeffers, Suite 101A, North Platte,	
11	NE 69101,	
12	out of the General Fund.	500.00
13	Claim No. 01-284, against the Office of the Attorney	
14	General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
15	Meyer, 301 N. Jeffers, Suite 101A, North Platte,	
16	NE 69101,	
17	out of the General Fund.	500.00
18	Claim No. 01-285, against the Office of the Attorney	
19	General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
20	Meyer, 301 N. Jeffers, Suite 101A, North Platte,	
21	NE 69101,	
22	out of the General Fund.	500.00
23	Claim No. 01-286, against the Office of the Attorney	
24	General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
25	Meyer, 301 N. Jeffers, Suite 101A, North Platte,	
26	NE 69101,	
27	out of the General Fund.	500.00
28	Claim No. 01-310, against the Office of the Attorney	

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1	General, pay to <u>Smith, King & Freudenberg</u> , c/o John	
2	R. Freudenberg, Box 490, Rushville, NE 69360,	
3	out of the General Fund.	187.50
4	Claim No. 01-340, against the Secretary of State,	
5	pay to <u>Nebraska Press Advertising Service</u> , c/o Allen	
6	Beermann, 845 S Street, Lincoln, NE 68508,	
7	out of the General Fund.	214,985.21
8	Claim No. 01-364, against the Department of Health	
9	and Human Services, pay to <u>Nebraska Urban Indian</u>	
10	<u>Health Coalition, Inc.</u> , c/o Joan Marr,	
11	1935 Q Street, Lincoln, NE 68503,	
12	out of the the General Fund	43,623.28
13	Claim No. 01-487, against the Office of the Attorney	
14	General, pay to <u>Smith, King & Freudenberg</u> , c/o John	
15	R. Freudenberg, Box 490, Rushville, NE 69360,	
16	out of the General Fund.	907.20
17	Claim No. 01-517, against the Office of the Attorney	
18	General, pay to <u>Smith, King & Freudenberg</u> , c/o John	
19	R. Freudenberg, Box 490, Rushville, NE 69360,	
20	out of the General Fund.	559.00
21	The claims included in this section shall be paid through	
22	Program 536 in Agency 65.	
23	For informational purposes only, the appropriations	
24	contained in this section and fund source:	
25	GENERAL FUND	305,926.51
26	CASH FUNDS	8,821.09
27	TOTAL	314,747.60
28	Sec. 2. The following sums of money, or so much thereof	

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1 as may be required, are hereby appropriated from the General Fund
2 or from other funds as indicated in the state treasury, not
3 otherwise appropriated, for the payment of tort claims which have
4 been settled by the Attorney General in the district court or in
5 which court judgments have been entered and which require the
6 approval of the Legislature for payment.

7 DESCRIPTION

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8 Tort Claim No. 97-062, against the Department of
9 Roads, pay to Harris, Feldman Law Offices,
10 10050 Regency Circle, Suite 101, Omaha, NE 68114,
11 out of the Roads Operations
12 Cash Fund. 56,386.49

13 Tort Claim No. 98-222, against the Department of
14 Health and Human Services, pay to Sandra W. and
15 Shirley Mora James, Attorney, 215 Centennial Mall
16 South, Lincoln, NE 68508,
17 out of the General Fund. 30,000.00

18 Tort Claim No. 98-486, against the Nebraska State
19 Patrol, pay to Laura Schanck and James Welsh,
20 Attorney, 1620 Dodge Street, Omaha, NE 68102,
21 out of the General Fund. 80,075.25

22 Tort Claim No. 98-487, against the Nebraska State
23 Patrol, pay to Brett Schanck and James Welsh,
24 Attorney, 1620 Dodge Street, Omaha, NE 68102,
25 out of the General Fund. 213,537.35

26 Tort Claim No. 98-490, against the Department of
27 Health and Human Services, pay to Donna Van Dyck and
28 Joseph Muller, Attorney, 1000 N. 72nd Street, Omaha,

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1 NE 68114,
2 out of the General Fund. 41,151.77
3 Tort Claim No. 99-469, against the Department of
4 Health and Human Services, pay to Shannon S. and
5 Bruce Mason, Attorney, 1505 South 108th Street,
6 Omaha, NE 68144,
7 out of the General Fund. 24,000.00

8 The claims included in this section shall be paid through
9 Program 591 in Agency 65.

10 For informational purposes only, the appropriations
11 contained in this section and fund source:

12 GENERAL FUND	388,764.37
13 CASH FUNDS	56,386.49
14 TOTAL	445,150.86

15 Sec. 3. The following sums of money, or so much thereof
16 as may be required, are hereby appropriated from the General Fund
17 or from other funds as indicated in the state treasury, not
18 otherwise appropriated, for the payment of indemnification claims
19 which have been settled by the Attorney General in the district
20 court or in which court judgments have been entered and which
21 require the approval of the Legislature for payment.

22 DESCRIPTION	DOLLARS
23 Indemnification Claim No. 420(97), against the	
24 Office of the Attorney General, pay to <u>Leroy Carhart</u>	
25 <u>and Alan Stoler, Attorney</u> , 1823 Harney Street,	
26 Suite 1004, Omaha, NE 68102,	
27 out of the General Fund.	159,211.70

28 Indemnification Claim No. 524(00), against the

1 Department of Health and Human Services, pay to
 2 Dr. Louis Martin and Carole McMahon-Boies, Attorney,
 3 P.O. Box 6476, Lincoln, NE 68506,
 4 out of the General Fund. 42,326.30

5 The claims included in this section shall be paid through
 6 Program 592 in Agency 65.

7 For informational purposes only, the appropriations
 8 contained in this section and fund source:

9 GENERAL FUND	201,538.00
10 TOTAL	201,538.00

11 Sec. 4. The following sums of money, or so much thereof
 12 as may be required, are hereby appropriated from the General Fund
 13 or from other funds as indicated in the state treasury, not
 14 otherwise appropriated, for the payment of workers' compensation
 15 lump-sum settlements which have been approved by the Nebraska
 16 Workers' Compensation Court and which require the approval of the
 17 Legislature for payment.

18 DESCRIPTION	DOLLARS
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19 Workers' Compensation Lump-Sum Settlement approved	
20 by the Nebraska Workers' Compensation Court, pay to	
21 <u>Tom Retchless and Rod Rehm, Attorney,</u>	
22 3701 Union Drive, Suite 200, Lincoln, NE 68516,	
23 out of the Workers' Compensation Claims	
24 Revolving Fund	77,877.60

25 The claim in this section shall be paid through Program
 26 593 in Agency 65.

27 For informational purposes only, the appropriation
 28 contained in this section and fund source:

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1	REVOLVING FUNDS	77,877.60
2	TOTAL	77,877.60

3 Sec. 5. The Director of Administrative Services is
4 hereby authorized and directed to draw his or her warrants on or
5 before June 30, 2002, upon the funds in the state treasury
6 enumerated in this act, in favor of the several beneficiaries named
7 in this act for the amount set opposite their respective names upon
8 the presentation of proper vouchers therefor. The several amounts
9 appropriated in this act shall be in full payment of any and all
10 claims, rights, causes of action, damages, and demands of every
11 character and kind owing by or against the State of Nebraska, its
12 officers, agents, and employees, and their successors and assigns
13 with respect to each of the beneficiaries respectively in whose
14 favor the appropriations are made. The director shall not deliver
15 any warrant for any items appropriated in this act until a receipt
16 and release in full, releasing the State of Nebraska, its officers,
17 employees, and agents, and their successors and assigns, has been
18 filed by each of the beneficiaries respectively. Upon presentation
19 of the warrants, the State Treasurer is hereby directed to pay the
20 same out of money in the General Fund or out of money in other
21 funds indicated in this act not otherwise appropriated.

22 Sec. 6. The following requests were filed by state
23 agencies seeking permission to write off certain accounts. The
24 State Claims Board reviewed and approved the following requests:

25	DESCRIPTION	DOLLARS
26	Request No. 00-378, made by the Department of	
27	Health and Human Services	988.00
28	Request No. 00-477, made by the Department of	

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1	Aeronautics	25.22
2	Request No. 00-528, made by the Department of	
3	Administrative Services-Communications	440.00
4	Request No. 00-652, made by the State Fire	
5	Marshal	1,005.00
6	Request No. 00-662, made by the Clerk of the	
7	Legislature	89.14
8	Request No. 01-056, made by the State Department	
9	of Education	45,407.64
10	Request No. 01-169, made by the Supreme Court	252.21
11	Request No. 01-181, made by the Military Department	10,417.07
12	Request No. 01-190, made by the Department of	
13	Health and Human Services Finance and Support	403,265.52
14	Request No. 01-194, made by the Game and Parks	
15	Commission	69,043.24
16	Request No. 01-195, made by the Game and Parks	
17	Commission	14,514.87
18	Request No. 01-251, made by the Department of	
19	Health and Human Services, Grand Island Veterans'	
20	Home	22,885.25
21	Request No. 01-252, made by the Department of	
22	Health and Human Services, Vital Statistics	728.00
23	Sec. 7. Since an emergency exists, this act takes effect	
24	when passed and approved according to law.	